

Code Rewrite Commission Report

To: City Council

From: Code Rewrite Commission

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Date: May 17, 2010

File Number: L090380

Title: Environmental Regulations

Code Rewrite Commission Recommendation: Approval as recommended by Code Rewrite Commission

Recommended Action: Adopt the following chapters of the Redmond Zoning Code:

- Tree Retention (Exhibit A)
- Noise Standards (Exhibit B)
- Critical Areas (Exhibit C)
- Shorelines (Exhibit D)
- Environmental Regulations (Exhibit E)
- Critical Areas Reporting Requirements (Exhibit F)
- Definitions (Exhibit G)

Summary:

The Environmental Regulations package includes six chapters in need of revisions as noted in the Background section below. A summary of recommended changes follows.

- 1) Reorganize portions of the code to provide greater clarity and consistency
- 2) Remove duplicative portions of code
- 3) Update Critical Areas code to make it consistent with State code.
- 4) Update stream and wetland mitigation plans to meet new mitigation requirements set forth by the State
- 5) Provide specific, clear and concise mitigation reporting requirements

Background:

The Code Rewrite Commission evaluated these six chapters in light of code rewrite project principles. The chapters in this package were identified as needing the following overall revisions:

- Consolidate and reorganize the regulations in a simple and logical order
- Improve the ability for users to navigate through the code
- Eliminate extensive duplication
- Use easily-understood language with defined legal and technical terms

Reasons the Proposal should be Adopted:

The Code Rewrite Commission recommends adoption of the proposed amendments because:

- 1) The proposal is consistent with the mission statement adopted for the 2009-2011 Code Rewrite, as detailed in section IV.B.1 of Exhibit J;
- 2) The proposal is consistent with all of the applicable Code Organization principles, as detailed in section IV.B.2 of Exhibit J;
- 3) The proposal is consistent with all of the applicable Code Regulations principles, as detailed in section IV.B.3 of Exhibit J; and,
- 4) The proposal is consistent with all of the applicable Permit Review Procedure principles, as detailed in section IV.B.4 of Exhibit J.

Recommended Findings of Fact

1. *Public Hearing and Notice*

a. Public Hearing Date

The City of Redmond Code Rewrite Commission held public hearings for this proposal beginning on March 22, 2010 and ending on April 19, 2010.

b. Notice

The public hearing notice was published in the Seattle Times. Public notices were posted in City Hall and the Redmond Library. Notice was also given by including the hearing in Code Rewrite Commission agendas and extended agendas mailed to various members of the public. Additionally, hearing notification was posted on the City's website and cable TV.

2. *Public Comments*

The Code Rewrite Commission received oral testimony as part of its public hearing from Larry Martin. Additionally, two emails were received during the time that the public hearing was open. Key issues raised in public testimony are described below.

❖ Tree Replacement Requirements

Mr. Martin suggested proposed language to the Tree Replacement code that would exempt projects in designated urban centers from requirements to replace trees removed in order to construct or improve facilities that would be used by the public. These would be things such as: parks, plazas, required street connections, art installations, or transit facilities. Additionally, Mr. Martin requested that the CRC modify the code language that stated that replacement trees were to be "primarily native species." The CRC considered these proposals and chose not to incorporate them into the code as the proposed code already provided exceptions to development within urban centers.

❖ Vesting and Critical Areas

Mr. Brian Gregory sent an email expressing concern about the proposed changes to the Critical Areas Code. Specifically, Mr. Gregory is working with a subdivision application that is currently under review and his concerns revolved around how any proposed changes to the Critical Areas Code might impact his application. Staff has responded back in writing explaining that an application currently under review is vested under the current code and any proposed changes are not applicable to his application. Mr. Gregory's comments were noted.

❖ **Shorelines, Landscaping, Tree Replacement**

Mr. Leonard Fuller raised several issues in his email. Concerning shorelines, Mr. Fuller stated that property owners who make improvements to their home or property that exceed 50 percent of the value of their property would be required to install a native plant green belt. An additional concern was that allowing a home to be built twenty feet from the ordinary high water mark was too close to the shoreline. Regarding landscaping, Mr. Fuller expressed opposition to requirements that fifty percent of the front yard be planted in native plant material located in the neighborhood standards for North Redmond. Regarding tree replacement, Mr. Fuller was opposed to the size requirement for replacement trees. His suggestion was that we should allow for smaller trees that would acclimate better to their new environment. Mr. Fuller's comments were noted.

Recommended Conclusions

1. Key Issues Discussed by the Code Rewrite Commission

Exhibit H describes the Code Rewrite Commission's discussion issues for this package and how they were resolved. The summary below highlights the major issues discussed by the Code Rewrite Commission.

❖ **Incentive Plan – Tree Retention Code**

The existing code contains an incentive plan to encourage developers to save more than the minimum required number of trees on their property. This code was overly broad and vague and staff proposed to remove it from the code. The CRC recognized the problems with the existing code but wanted to ensure that an incentive plan remained in the code. Working with staff, the CRC was able to craft a new plan that linked the existing Administrative Design Flexibility code as an incentive to developers to retain greater numbers of trees.

❖ **Exceptions for Removal of Trees in Urban Centers – Tree Retention Code**

The CRC recognizes the City's intent for increased density within the two urban centers. The CRC recommends that when exceptions are granted below the required minimum of 35 percent, then the replacement ratio may be lowered from 3:1 to 1:1 when the applicant provides a three tier vegetation plan. In addition to the replacement trees, this three tier plan would include understory plantings and groundcover.

❖ **Noise Wall – Noise Standards**

The CRC is recommending a new definition, Noise Wall, be added to the zoning code and that existing code be clarified as to when noise walls are to be used.

❖ **Shorelines**

The CRC recognized that the Shoreline code was just recently approved by the State Department of Ecology and the CRC is not proposing any changes to this portion of code. At the conclusion of the Code Rewrite project staff will reconcile all sections of code and any necessary corrections related to reconciliation will be addressed at that time.

2. Future Projects Recommended by the Code Rewrite Commission

The Code Rewrite Commission recommends that staff undertake the following updates following the adoption of the new Redmond Zoning Code.

❖ **“Junk” Trees**

The CRC recommends that the Council consider, after the code rewrite process, the removal of certain species of trees, such as alder and cottonwood, from the tree retention requirement. Currently, all trees that are healthy and greater than six inches in diameter are deemed significant, and are to be retained or replaced. Some members expressed a desire that some species of trees be exempt from this requirement. This is not in keeping with the Comprehensive Plan policy NE-103 that speaks of a no net loss of trees nor with the Council decision at the time the code was adopted to include all healthy and significant trees. Staff is also concerned that this approach may not be consistent with well-established community expectations regarding tree retention.

3. Recommended Conclusions of City Staff.

The recommended conclusions in the Staff Report (Exhibit J) should be adopted as conclusions.

4. Code Rewrite Commission Recommendation.

The Code Rewrite Commission voted to recommend the amendment at its April 19, 2010 meeting. The motion carried unanimously.

List of Exhibits

Exhibit A:	CRC Recommended Amendment: Tree Retention
Exhibit B:	CRC Recommended Amendment: Noise Standards
Exhibit C:	CRC Recommended Amendment: Critical Areas
Exhibit D:	CRC Recommended Amendment: Shorelines
Exhibit E:	CRC Recommended Amendment: SEPA Procedures
Exhibit F:	CRC Recommended Amendment: Critical Areas Reporting Requirements
Exhibit G:	CRC Recommended Amendment: Definitions

Exhibit H: CRC Final Issues Matrix
Exhibit I: Code Crosswalk
Exhibit J: Staff Report with Exhibits

Robert G. Odle, Director of Planning and Community Development

Date

Steve Nolen, Code Rewrite Commission Chair

Date

Approved for Council Agenda _____

John Marchione, Mayor

Date

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